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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

MICHAEL BRIAN D'AMORE ET AL. CASE NO.: CL 1241 US DIV

APPLICATION NO.: 09/836,920 GROUP ART UNIT: 1621

FILED: APRIL 18, 2001

EXAMINER: P. SHAVER

FOR: PROCESS FOR THE SELECTIVE
OXIDATION OF ORGANIC COMPOUNDSRECEIVED
DEC 04 2002
OFFICE OF PETITIONSPETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION Under 37 CFR 1.137(b)Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition to revive an unintentionally abandoned divisional application under 37 CFR 1.137(b).

REMARKS

The above application, as filed, had 16 claims. A preliminary amendment in this divisional application indicated that Claims 6-16 had been prosecuted and allowed in the parent application and that Claims 1-5, which were withdrawn from consideration in the parent case, were being refiled in the present case. The preliminary amendment clearly indicated that applicant had elected to prosecute Claims 1-5 in this divisional.

A restriction requirement was apparently sent out by the PTO on October 6, 2001 but was inadvertently not brought to the attention of the prosecuting attorney, Barbara C. Siegell, and an answer to that restriction was not filed. However, applicant's attorney believes that it was clear from the previously mentioned preliminary amendment that applicant had elected Claims 1-5 in this application. Thus, it is

12/02/2002 09:13:51 00000030 014928 09/836,920
02 FC:1580 1302:00 CH

believed that the restriction was unnecessary and was in fact answered by the preliminary amendment.

In view of the fact that the examiner apparently overlooked the preliminary amendment, and the failure to respond to the restriction was clearly unintentional, applicant requests that this application be revived.

The following are attached:

- (a) A response to the restriction requirement
- (b) A terminal disclaimer and fee dedicating to the public a terminal part of the term of any patent issuing on this application equivalent to the period of abandonment of the application.
- (c) The fee required for the petition.
- (d) A statement by applicant's attorney that the entire delay in filing the response was unintentional.

Respectfully submitted,



BARBARA C. SIEGELL
ATTORNEY FOR APPLICANTS
REGISTRATION NO. 30,684
TELEPHONE: 302-992-4931
FACSIMILE: 302-892-7949



Please type a plus sign (+) inside this box →



Approved for use through 10/31/2002, OMB-0551-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/836,920	DEC 04 2002
Filing Date	April 18, 2001	OFFICE OF PETITIONS
First Named Inventor	Michael Brian D'Amore, et al.	
Group Art Unit	1621	
Examiner Name	P. Shaver	
Attorney Docket Number	CL1241 US DIV	

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☒ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Petition to Revoke An Unintentionally Abandoned Application Under 37 CFR 1.137(b), Response to Restriction Requirement, Declaration and Copy of Preliminary Amendment

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Barbara C. Siegel
Signature	<i>Barbara C. Siegel</i>
Date	November 26, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: November 26, 2002

Typed or printed name	Valencia D. Harper		
Signature	<i>Valencia D. Harper</i>	Date	November 26, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1050

Complete if Known

Application Number 09/837,920
Filing Date April 18, 2001
First Named Inventor Michael Brian D'Amore, et al.
Examiner Name P. Shaver

Group / Art Unit 1621
Attorney Docket No. CL1241 US DIV

RECEIVED

DEC 04 2002

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

04-1928

Deposit
Account
Name

E. I. du Pont de Nemours and Company

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
20	0	18	0
Independent Claims	3	84	0
Multiple Dependent		280	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

12/03/2002 SLUANG1 00000030 09836920

02 FC:1460

130.00 CH

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1050)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Barbara C. Siegel, Esq. Registration No. Attorney/Agent 30,684 Telephone (302) 992-4931
Signature *Barbara C. Siegel* Date November 26, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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FOR: PROCESS FOR THE SELECTIVE
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DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

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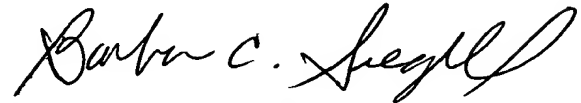
OFFICE OF PETITIONS

Sir:

1. I, Barbara C. Siegell am the attorney of record who is prosecuting the above application.
2. I was unaware that the restriction requirement had been made and had not been answered.
3. I believed that the preliminary amendment originally filed with the application (attached hereto) clarified which claims applicant intended to prosecute.
4. Applicant clearly did not intend to abandon claims 1-5 in the above application.
5. Thus, I have filed this petition to revive an unintentionally abandoned divisional application under 37 CFR 1.137(b).
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful

false statements may jeopardize the validity of the application or of any patent issuing thereon.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barbara C. Siegell". The signature is written in dark ink and is positioned above the printed name and contact information.

BARBARA C. SIEGELL
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REGISTRATION NO. 30,684
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FACSIMILE: 302-892-7949